

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 637-A

Case No. 88-33C

(PUD & Map @ Mass. Ave., 13th & L Sts., N.W.)

August 5, 1991

On October 16, 1989, by Z.C. Order No. 637, the Zoning Commission for the District of Columbia granted approval for an application from 247 Associates, (a District of Columbia Limited Partnership). The application was filed on December 15, 1988 for consolidated review and approval of a Planned Unit Development (PUD) and related zoning change from HR/SP-2 to C-4 for the PUD site, except two of the affected lots. The PUD is in Square 247, Lots 853, 867, 836, 839, 840, 843, 852, 857, 862, and 863. A change of zoning was requested for all the lots from HR/SP-2 to C-4, except Lots 853 and 867.

The PUD site has two parcels, designated Parcel A and Parcel B in the PUD application, separated by a public alley. Parcel A with premises address of 1312 Massachusetts Avenue, N.W. fronts on Massachusetts Avenue and encompasses a land area of 19,072 square feet. Parcel B with premises address of 1301 L Street, N.W. fronts on both 13th and L Streets and encompasses a land area of 28,654 square feet. The entire PUD site, excluding the public alley which is to remain open, consists of a total land area of 47,726 square feet.

Z.C. Order No. 637 approved the construction of a 90 foot apartment building on Parcel A and the construction of a 130 foot office building on Parcel B. A substantial portion of the ground floor of the office building is to be used for service and retail commercial uses and a community room. The approval of this PUD and change of zoning were subject to certain guidelines, conditions and standards specified in Order No. 637.

Z.C. Order No. 637 became final and effective on November 10, 1989. The validity of this order was for two years; that is, until November 10, 1991, provided that application for building permit was filed within that period of time, after which construction would have to start by November 10, 1992, as specified in Sub-section 2407.1 of the Zoning Regulations.

By letter dated May 30, 1991, 247 Associates filed a request to extend the validity of Z.C. Order No. 637, pursuant to 11 DCMR 2406.8, 2406.9, and 2406.10. The application requested an extension of time for two years to allow sufficient time for 247 Associates to address certain environmental problems dictated

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during testing; obtain construction financing and secure a major tenant for the office building.

An extract from applicant's request for extension of time states as follows:

"Certain factors have made the current timetables for the completion of this project unrealistic. Most significantly, part of the development of this property requires excavation of Lot 843 for proposed underground parking. After extensive environmental testing, it was determined that there was substantial contaminated soil and groundwater on the site that would have to be removed to a special dump site for contaminated soil. We have pursued this excavation, but the time and expense required to accomplish this has ended up being significantly greater than our environmental consultants originally anticipated.

Additionally, because of factors extraneous to this project as set forth in the attached affidavit, the applicant has been unable to obtain construction financing in the current market, particularly for the residential building which has a lesser rate of return."

The Zoning Commission received no comments on this matter from the Office of Planning (OP), ANC - 2C in whose jurisdiction the PUD is located nor any party or person.

Pursuant to 11 DCMR 2406.10 of the Zoning Regulations, the Commission may extend the validity of a PUD approval for good cause shown upon a request made before the expirations of the approval.

On July 8, 1991, at its regular monthly meeting, the Zoning Commission considered the request of 247 Associates and concurs therewith. The Commission determined that an extension of time, as requested by the applicant, is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations, and Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders that the validity of Z.C. Order No. 637 be **EXTENDED** for a period of two years; that is, until November 10, 1993, prior to the expiration of that time the application shall file an application for a building permit, as specified in 11 DCMR 2406.8. Construction shall start within three years; that is, not later than November 10, 1994.

Vote of the Zoning Commission taken at the monthly meeting on July


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8, 1991: 5-0 (Maybelle Taylor Bennett, Lloyd D. Smith, John G. Parsons William L. Ensign, and Tersh Boasberg, to extend for two years).

This order was adopted by the Zoning Commission at the public meeting on August 5, 1991 by a vote of 5-0: (Lloyd D. Smith, John G. Parsons, William L. Ensign, Maybelle Taylor Bennett, and Tersh Boasberg to adopt).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the District of Columbia Register; that is, on

AUG 14 1991


MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission


EDWARD L. CURRY
Executive Director
Zoning Secretariat

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